

AMENDED IN SENATE MAY 18, 2006

AMENDED IN SENATE MAY 2, 2006

AMENDED IN SENATE APRIL 17, 2006

SENATE BILL

No. 1453

Introduced by Senator Speier

February 23, 2006

An act to add and repeal Section 2933.4 of the Penal Code, relating to prisoners.

LEGISLATIVE COUNSEL'S DIGEST

SB 1453, as amended, Speier. ~~Reduction of prison term: participation~~ *Participation in inprison drug treatment program: mandatory aftercare.*

Existing law authorizes the Department of Corrections and Rehabilitation to reduce the prison term of specified inmates for good behavior and participation, as specified.

This bill would provide that certain inmates under the custody of the department, after successful completion of an inprison drug treatment program, upon parole, shall, whenever possible, be entered into a residential aftercare drug treatment program. If the parolee successfully completes 180 days of residential aftercare, he or she shall be discharged from parole, as specified. The bill would also require the department to report annually to the Joint Legislative Budget Committee and the State Auditor on the effectiveness of these provisions.

~~Existing law authorizes the Department of Corrections and Rehabilitation to reduce the prison term of specified inmates for good behavior and participation, as specified.~~

~~This bill would provide that certain inmates under the custody of the department shall earn a 2-day reduction in his or her term for every day completed in an inprison drug treatment program, provided specified conditions are met. The bill would require the department to report annually for 5 years to the Joint Legislative Budget Committee and the State Auditor on the status of all parolees subject to these provisions. If the recidivism rate for parolees is greater than 50% at the end of the 5-year reporting period, the provisions would be repealed.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 2933.4 is added to the Penal Code, to
2 read:

3 2933.4. (a) Notwithstanding any other provision of law, any
4 inmate under the custody of the Department of Corrections and
5 Rehabilitation who is not serving an indeterminate sentence or a
6 sentence for a violent felony, a serious felony, or a crime that
7 requires him or her to register as a sex offender pursuant to
8 Section 290, ~~shall earn a two-day reduction in his or her term for~~
9 ~~every day completed in an inprison drug treatment program,~~
10 ~~provided all of the following occur:~~

11 ~~(1) The inmate has been specifically identified as a person~~
12 ~~who, upon completing an inprison drug treatment program and~~
13 ~~who has successfully completed an inprison drug treatment~~
14 ~~program, upon release from state prison, shall, whenever~~
15 ~~possible, be entered into a mandatory 180 day residential~~
16 ~~aftercare drug treatment program sanctioned by the department.~~

17 ~~(2) The inmate successfully completes the inprison drug~~
18 ~~treatment program.~~

19 ~~(3) Prior to the release of the inmate from prison on parole, a~~
20 ~~residential treatment bed in an aftercare program sanctioned by~~
21 ~~the department is known to be available to the inmate for the first~~
22 ~~150 days of the inmate's parole.~~

23 (b) As a condition of parole, ~~if the inmate shall successfully~~
24 ~~complete 150 successfully completes 180~~ days of residential
25 aftercare treatment. ~~If the person fails to complete the designated~~
26 ~~time of treatment, the person shall be immediately returned to~~

1 ~~prison to serve out the term that was reduced by his or her~~
2 ~~participation in an inprison drug treatment program, in addition~~
3 ~~to any applicable penalties associated with a parole violation, and~~
4 ~~the person shall be prohibited from earning the credits authorized~~
5 ~~by this section in the future., as determined by the Department of~~
6 ~~Corrections and Rehabilitation and the aftercare provider, the~~
7 ~~parolee shall be discharged from parole supervision at that time.~~

8 (c) ~~(1) Commencing with 2007 2008, the department shall~~
9 ~~report annually for five years, by December 31 of each year, to~~
10 ~~the Joint Legislative Budget Committee and the State Auditor on~~
11 ~~the status of all parolees subject to this section.~~

12 ~~(2) If the recidivism rate for parolees subject to this section is~~
13 ~~greater than 50 percent at the end of the five-year reporting~~
14 ~~period, this section shall become inoperative on December 31,~~
15 ~~2013, and, as of January 1, 2014, is repealed, unless a later~~
16 ~~enacted statute, that becomes operative on or before January 1,~~
17 ~~2014, deletes or extends the dates on which it becomes~~
18 ~~inoperative and is repealed. effectiveness of these provisions,~~
19 ~~including recidivism rates.~~